

PUBLIC LAW BOARD NO. 606

PARTIES TO THE DISPUTE:

The Belt Railway Company of
Chicago
and
Brotherhood of Locomotive Engineers

AWARD NO. 19

STATEMENT OF CLAIM:

1. Claim that Engineer R. Foster's record be cleared of discipline assessed and that he be paid for all time lost, such discipline having been given as the result of investigation and hearing held at 10:00 a.m. on May 6, 1966.

2. Claim for eight hours and 30 minutes for Engineer R. Foster, account attending an investigation on May 3, 1966.

FINDINGS:

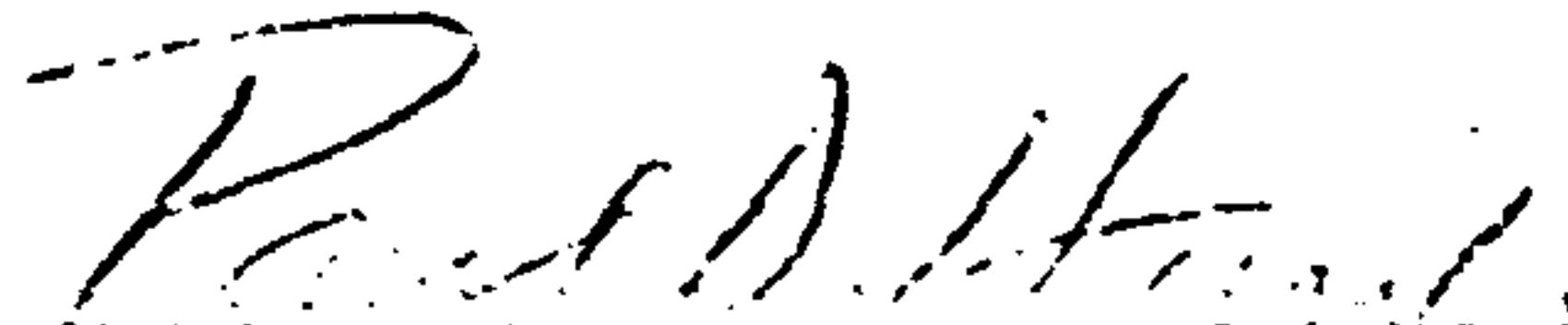
Claimant was charged with departing from an accident investigation of May 3, 1966, without being properly excused by the conducting officer. This would be an unusual course of action for a railroad employee to follow and the curiosity of this neutral as to the reason for his action (if it did in fact occur) lends support to the contention of his representative that a further evaluation of the charge could only be made after review of the transcript of what actually occurred in the investigation of May 3rd.

The refusal of the Carrier to provide that transcript can only be characterized as arbitrary and prejudicial and in direct violation of Article 28(f).

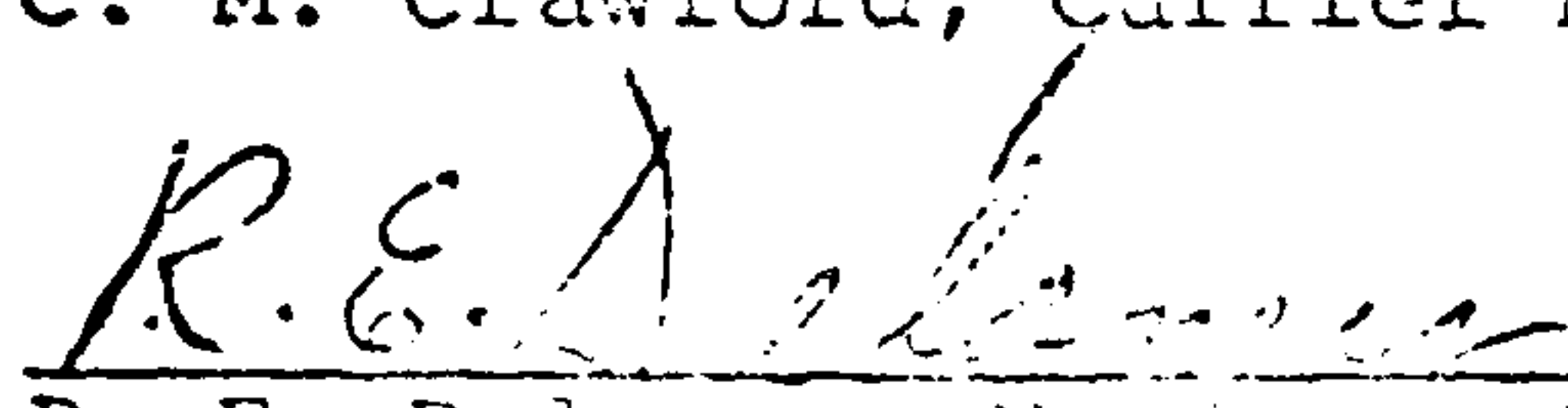
Under these circumstances Claimant was not afforded a fair hearing on May 6 and the claim is well founded.

AWARD:

Claim sustained. Carrier shall comply with this award within thirty days from the date hereof.


Paul D. Hanlon,
Chairman and Neutral Member


C. M. Crawford, Carrier Member


R. E. Delaney, Employee Member

Chicago, Illinois
September 24, 1973